

DEFINITIONS

Purpose and Interpretation of These Definitions

Under Utah law, Child and Family Services is responsible for providing child welfare services and protecting children from abuse and neglect. In determining what constitutes "abuse," "neglect," or "dependency," Child and Family Services is constrained by definitions contained in various statutes, rules, and court opinions, and these definitions are not intended to expand or abridge those definitions or judicial opinions. In other words, conduct that qualifies as "abuse," "neglect," or "dependency" under a criminal statute or under Child and Family Services' civil statutes (Utah Code Ann. [§62A-4a-101](#) *et seq.*) always qualifies as "abuse," "neglect," or "dependency" even if these definitions inadvertently fail to bring such conduct within the ambit scope of a particular definition. (It is worth noting, however, that some criminal statutes recognize defenses to "abuse," "neglect," or "dependency" that may not be applicable in Child and Family Services' *civil* investigations of child abuse or neglect.)

The Child and Family Services Board established these definitions to facilitate a consistent determination whether or not a particular conduct rises to the level of "abuse," or "neglect," or "dependency" under Utah law. However, there are a myriad of circumstances with countless permutations, which may or may not justify the intervention of state authorities, and it is essential that Child and Family Services statutes and these definitions be interpreted broadly enough to protect children from abuse, neglect, or dependency. [See: *In re S.S.P.*, 981 P.2d 848, 851 (Utah Ct. App. 1999).] For the convenience of Child and Family Services' employees and others who rely on these definitions, many of these definitions include citations to the controlling law, including civil statutes, criminal statutes, and rules of evidence.

The Child and Family Services Board intends that these definitions should be applied and interpreted according to the following principles:

- A. These definitions supercede earlier definitions.
- B. In the interest of consistency and fairness, these definitions apply both prospectively and retroactively, unless:
 1. The definition is being applied to an individual's conduct that occurred before the Child and Family Services Board adopted these definitions.
 2. The new definition reflects a substantive change in a statute or a substantive change in the courts' interpretation of a statute.
 3. As a result of the substantive change in the law, the individual did not have fair notice under the earlier version of the statute that the conduct in

question was proscribed by the relevant Utah statutes and the courts' interpretations of those statutes.

- C. In cases of ambiguity, the Child and Family Services definition shall be construed to harmonize with the relevant statutory definitions (as interpreted by the courts) and to further Child and Family Services' statutory responsibility to protect children and act in the best interests of the child.

ABANDONMENT: Except in the case of the safe relinquishment of a newborn child [see: The definition of Safe Relinquishment of a Newborn Child], abandonment is defined as conduct by either a parent or legal guardian and showing a conscious disregard for parental obligations, where that disregard leads to the destruction of the parent/child relationship. In addition, under Utah Code Ann. [§78-3a-408](#), the following conduct is prima facie evidence of "abandonment," even if the person denies any intent to abandon:

- A. A person who has legal custody of the child surrenders physical custody and for six months does not manifest to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child.
- B. The parent or legal guardian fails to communicate with the child by mail, telephone, or otherwise for six months.
- C. The parent or legal guardian fails to show the normal interest of a natural parent, without just cause.
- D. The parent abandons an infant, as described in Utah Code Ann. [§78-3a-313.5](#). [See: The definition of Neglect.] An infant relinquished in a safe manner as described in Utah Code Ann. [§62A-4a-802](#) is not considered abandonment.

ABUSE: Actual or threatened non-accidental physical or mental harm, negligent treatment, sexual exploitation, or sexual abuse. [See: Utah Code Ann. [§62A-4a-101\(1\)](#)("abuse"); [§62A-4a-402\(3\)](#)("child abuse or neglect"); and the definition of "Harm" and the individual definitions of specific types of abuse, such as Emotional Maltreatment, Physical Abuse, and Sexual Abuse.] [See also: Utah Code Ann. [§78-3a-103\(1\)\(a\)](#)(definition of "abused child"); [§76-5-109](#) (the crime of child abuse); and [§76-5-109.1](#)(domestic violence related child abuse).] [See also: The definitions of Reasonable Discipline and Reasonable Physical Restraint.]

ADJUDICATION HEARING: An adjudication hearing is to be held to adjudicate the petition filed by the Attorney General on behalf of Child and Family Services. [See: Utah Code Ann. [§78-3a-308](#) and [§78-3a-310](#)].

ADJUDICATED CUSTODY: A finding by the court that the facts alleged in the petition have been proven.

ADMINISTRATIVE HEARING: An informal hearing in which an individual may challenge Child and Family Services' supported finding of non-severe child abuse, neglect, or dependency. The alleged perpetrator may ask the hearing officer (administrative law judge) to change the Child and Family Services finding to "unsupported" or "without merit." This hearing is also referred to as a due process hearing.

ADOPTIVE FAMILY: A family who has completed Child and Family Services training for prospective adoptive parents and becomes approved by a licensed child placement agency or by Child and Family Services

ADOPTIVE/FOSTER CARE FAMILY: A family licensed to provide foster care by the Office of Licensing and who has completed all Child and Family Services requirements for prospective adoptive parents.

ADOPTION AND SAFE FAMILIES ACT (ASFA): Federal legislation signed into law in 1997, which provides time limits and guidelines related to children's permanency goals.

AGE OF CONSENT: The age at which an individual may legally participate in sexual relations or marriage. [See: Utah Code Ann. [§76-5-401](#) and [§76-5-401.2](#).]

- A. A child under the age of 14 years cannot legally consent to any sexual act.
- B. A child 14 years of age or older, but younger than 16 years of age, cannot legally consent to:
 - 1. Any sexual act with a person seven years or more older than the child.
 - 2. Sexual intercourse.
 - 3. Any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.
 - 4. Any sexual act causing penetration, however slight, of the genital or anal opening by any foreign object, substance, instrument, or device, including a part of the human body, or any sexual act involving the genitals of one

person and the mouth or anus of another person, regardless of the sex of either participant.

- C. A child 16 years of age or older, but younger than 18 years of age, cannot legally consent to any of the following sexual acts with a person who is 10 or more years older than the child:
1. Sexual intercourse.
 2. Any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.
 3. Any sexual act causing penetration, however slight, of the genital or anal opening by any foreign object, substance, instrument, or device, including a part of the human body, or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.
- D. A child up to age 18 years cannot consent to incest or to any sexual act with a person in a position of trust, such as a teacher, coach, or counselor. [See: The definition of Position of Special Trust.] [See also: Utah Code Ann. [§76-5-404.1\(3\)\(h\)](#)]. Additionally, a child up to the age of 18 years cannot consent to any sexual act committed by the use of a dangerous weapon, force, duress, violence, intimidation, coercion, menace or threat, or harm. [See: Utah Code Ann. [§76-5-404.1\(3\)\(a\)](#).]

APPROPRIATENESS OF PLACEMENT: A child's home community, the one that involves the birth family, culture, village, or neighborhood, closest to school and peer group is the least restrictive environment for a child. A child should be supported and maintained in his/her home community. If a child's life is temporarily disrupted due to resolvable safety problems in the family home or by needs that require specialized treatment for a specific and limited time in another location, the child should be restored with necessary supports as quickly as possible to his/her natural community. If a child's home and family situation does not permit the child to return home after removal for safety reason, then that child should be provided a safe, appropriate, and permanent home as quickly as possible so that natural social supports can be developed for that child in a new home, neighborhood, school, and community.

ARRANGED MARRIAGE: Any marriage, legal or otherwise, that is arranged, coerced, or threatened, and which involves a child and an adult, including (but not limited to) an adult who is a member of the child's immediate or extended family.

ASSISTANT ATTORNEY GENERAL (AAG): The AAG is an attorney that represents Child and Family Services.

BABY DOE: A medically disabled infant with life-threatening conditions for whom medically indicated treatment is withheld. (This is a federal statutory definition and *does not* apply to or mean an infant abandoned by the parent.)

BASIC LIFE SKILLS TRAINING: Education that each youth age 16 and older will receive prior to leaving out-of-home care.

BCI: An acronym for the "Bureau of Criminal Identification."

CANR: An acronym for the "Child Abuse and Neglect Report."

CAREGIVER FUNCTIONING: The caregivers' capacity, availability, and willingness to meet the child's basic care and developmental needs reliably on a daily basis. Expectation of adequate caregiver functioning and support apply to children living in out-of-home care with a relative, living in a foster home, and to care staff in group-living situations.

CAREGIVER SUPPORT: Substitute caregivers include kinship caregivers, foster and adoptive resource families, and any persons who provide parenting, assistance, supervision, and physical care for a child or youth in a temporary place of residence. Provisions of caregiver supports and in-home services should enable the caregiver to participate in assessment of needs, selection of providers, and scheduling. To be effective and satisfactory, supports should be culturally compatible and of an intensity commensurate with the needs of the child and caregiver. To be adequate, caregiver supports should be accessible when needed, dependable when used, functional for the home, and seen as support by caregivers.

CASE CREATION: A process through SAFE where all case types, other than CPS, can be created in another child welfare program.

CHEC: Child Health Evaluation and Care, Utah's version of the federally mandated Early Periodic Screening, Diagnosis and Treatment (EPSDT) program. The program ensures that eligible children receive: 1) routine periodic health examinations, Well Child Care and, 2) needed treatment or follow-up services that are medically necessary. It also refers to the type of extensive physical assessment required, as mandated by the Medicaid Services Manual.

CHILD: For Child and Family Services purposes, a person under 18 years of age; a minor. [See: Utah Code Ann. [§62A-4a-101\(12\)](#) and [§15-2-1](#).] Please note, however, that some criminal justice statutes define a child or minor differently for purposes of particular sexual offenses. [See, e.g.: Utah Code Ann. [§76-5-401](#), [§76-5-401.1](#), [§76-5-401.2](#), [§76-5-402](#), [§76-5-402.1](#), [§76-5-402.2](#), [§76-5-402.3](#), [§76-5-403](#), [§76-5-403.1](#), [§76-5-404](#), and [§76-5-404.1](#).] In appropriate circumstances, those statutes may apply. [See also: The definition of Indian Child.]

CHILD AND FAMILY TEAM: The child, their family, the Child and Family Services social worker, and the out-of-home provider are primary members of a child and family team. Other entities who may be included to provide additional support include representatives from education, health care, law enforcement, the GAL, parent's attorney, the Attorney General, and other supportive individuals as designated by the family.

CHILDREN WITH SPECIAL HEALTH CARE NEEDS: Children who have or are at increased risk of a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required by children generally.

CHILD ENDANGERMENT: A situation in which a child is harmed or is placed at an unreasonable risk of harm through the illegal or non-accidental conduct or negligence of the parent, guardian, caregiver, or other person who has a responsibility not to harm the child. An example of child endangerment is driving under the influence with a child in the car.

CHILD AND FAMILY PARTICIPATION: The child and family's sense of personal ownership in the plan and decision process. The child and family's active participation in shaping and directing service arrangement that impacts their lives. Emphasis is placed on direct and ongoing involvement of key family members in all phases of service delivery: assessment, planning, selection of providers, monitoring, modifications, and evaluation.

CHILD AND FAMILY PLANNING PROCESS: The child and family plan specifies the goals, roles, strategies, resources, and schedules for coordinated provision of assistance, supports, supervision, and services for the child, caregiver, and teacher. For the child to be successful at home and school, special supports may be necessary for the primary caregiver at home and for the teacher at school. The child and family planning process is of essence here - not just the written document. The plan needs to be developed by the team based upon the big picture assessments; reflect the views and

preferences of the child and family, be directed toward the achievement of strategic goals and success of the child; be coherent in design, prudent in the use of natural and professional resources; be culturally appropriate; and be modified frequently, based on changing circumstances, experience gained, and progress made. The written child and family plan is the collective intentions of the child and family team that simply states the path and process to be followed.

CHILD AND FAMILY TEAM COORDINATION: The collaboration of all parties involved in the child and family's life toward a common objective. Child and family team members can be a teacher, therapist, tracker, GAL, daycare provider, peer parent, health care provider, and other paid service providers. Parents, family members, neighbors, and others can also be part of a child and family team. Collectively, the team should have the technical and cultural competence, family knowledge, and authority to act in behalf of funders and to commit resources and ability to flexibly assemble supports and resources in response to specific needs.

CHILD FATALITY: A child's death.

CHILD MALTREATMENT: Child abuse or neglect. [See: The definitions of Abuse, Dependency, Neglect, and Sexual Abuse.]

CHILD WITH SPECIAL NEEDS: A child who cannot or should not be returned to the home of the parents (as determined by the state), with one of the following:

- A. Child 0-17 years of age with a documented physical, emotional, or mental disability, or may be at risk to develop such a condition due to the birth parents health and social history.
- B. Child five years of age or older.
- C. Member of a sibling group placed together for adoption.

CHILD WITNESS TO DOMESTIC VIOLENCE: In the physical presence of a child or is present and may see or hear an act of domestic violence. [See: Utah Code Ann. [§76-5-109.1](#).]

CHRONIC NEGLECT: Repeated or patterned failure or refusal by a parent, guardian, or custodian to provide care necessary for the child's health, safety, morals, or well-being. NOTE: Chronic neglect may result from inattention to the child's needs and

challenges or from conscious refusal to provide care, and may be identified from the first referral.

COHABITANT: An emancipated minor or a person 16 years of age or older who:

- A. Is or was a spouse of the other party.
- B. Is or was living as if a spouse of the other party.
- C. Is related by blood or marriage to the other party.
- D. Has one or more children in common with the other party.
- E. Is the biological parent of the other party's unborn child.
- F. Resides or has resided in the same residence as the other party.

[See: Utah Code Ann. [§30-6-1\(2\)](#).]

The term "cohabitant" does *not* refer to:

- A. The relationship of a natural parent, adoptive parent, or stepparent to a minor.
- B. The relationship between natural, adoptive, step, or foster siblings who are under 18 years of age.

[See: Utah Code Ann. [§30-6-1\(3\)](#).]

COLLATERAL CONTACT: Any individual, other than the alleged perpetrator, who has had direct contact with or knowledge of the child or the child's family.

COMMUNITY DOMESTIC VIOLENCE SPECIALIST: A domestic violence specialist such as one who is employed by a domestic violence shelter or victim advocate program and who has the following qualifications: (a) expertise in the dynamics of domestic violence; (b) experience working with domestic violence perpetrators and victims; (c) a working knowledge of the child welfare system, the criminal justice system, and the court system as they relate to domestic violence; and (d) familiarity with local domestic violence services and community resources. [See: The definition of Child and Family Services Domestic Violence (DV) Worker.]

CONCURRENT PERMANENCY PLANNING:

- A. Planning for different permanency outcomes at the same time.
- B. Is a means to support and expedite efforts to achieve permanence for a child within one year – a time frame that reflects a child's sense of the passage of time.
- C. Offers a structured approach to moving children quickly from the uncertainty of foster care to the stability and security of a permanent family.
- D. Starts with the first interaction with the child or the family

CONFLICT OF INTEREST: A situation in which the worker or Child and Family Services has a personal or professional relationship with a subject of the record (including the alleged victim or the alleged perpetrator). Utah Code Ann. [§62A-4a-409\(5\)](#) requires that an agency other than Child and Family Services shall investigate allegations of abuse, neglect, or dependency that involve individuals, institutions, or facilities that Child and Family Services supervises, governs, or directs.

CORRUPTION: A situation where a child is victimized by being associated with, or involved in, an immoral or illegal action (e.g., a parent teaching a child to shoplift; or a parent providing the child with or allowing access to alcohol or drugs for consumption). [See: The definition of Emotional Maltreatment.]

CPS: An acronym for "Child Protective Services."

CREDIBLE EVIDENCE: Information that is believable and plausible. [See: The definition of Evidence.]

CUSTODY: [See: The definitions of DHS Custody, Legal Custody, Protective Custody, Temporary Custody, and Voluntary Custody.]

CUSTODY START DATE: Same as "Date of Removal."

DATE OF REMOVAL: The date the child was initially removed from his/her biological home or the earliest of the protective custody date, the temporary custody date, and the adjudicated custody dates.

DCFS: An acronym for the "Division of Child and Family Services."

CHILD AND FAMILY SERVICES DOMESTIC VIOLENCE (DV) WORKER: A Child and Family Services employee who has been designated by the Child and Family Services region to specialize in domestic violence cases and who has the following qualifications: (a) expertise in the dynamics of domestic violence; (b) experience working with domestic violence perpetrators and victims; (c) a working knowledge of the child welfare system, the criminal justice system, and the court system as they relate to domestic violence; (d) familiarity with local domestic violence services and community resources; and (e) a Bachelor's Degree and Social Service Worker license.

CHILD AND FAMILY SERVICES FAMILY SERVICES WORKER: A person employed by or contracted with Child and Family Services to provide professional casework, case management, contract management, or direct service and contract management supervision. The person shall have, at a minimum, a Bachelor's Degree, but may not have met the requirements to be a licensed worker.

CHILD AND FAMILY SERVICES INTAKE WORKER: A person employed by Child and Family Services who processes referrals concerning child abuse, neglect, or dependency. Intake workers must possess solid communication, interpersonal, and assessment skills.

DEPENDENCY: The condition of a child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian. [See: Utah Code Ann. [§62A-4a-101\(7\)](#).] Dependency may be due to a lack of understanding by the child's parent or guardian as a result of a lack of education or due to a mental, emotional, or physical disability. Dependency may also be due to a parent or guardian's lack of economic resources, or the institutionalization of a parent or guardian. Dependency may also be a legal finding in juvenile court.

DHS: An acronym for the "Department of Human Services."

DHS CUSTODY: A relationship in which the court grants custody of a child to DHS.

DISPOSITION: When Intake makes a determination that a referral will be assigned and investigated or not.

DISPOSITIONAL HEARING: A hearing to determine the placement of the child and the status of legal custody and guardianship, establish the primary permanency goal, and based on the goal, whether reunification services will be provided. In addition to the primary goal, the court shall establish the concurrent permanency goal. [See: Utah Code Ann. [§78-3a-311](#).]

DISRUPTION (OF AN ADOPTION): Ending an adoptive placement before the adoption is final.

DISSOLUTION (OF AN ADOPTION): Undoing the adoption after it is final. [See also: Voluntary Relinquishment.]

DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES (DSPD): The branch of Utah's Department of Human Services that provides support to individuals with disabilities and their families.

DNR: A "do not resuscitate" order.

DOMESTIC VIOLENCE: Conduct involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" also means committing or attempting to commit any of the following offenses by one cohabitant against another: assault, aggravated assault, criminal homicide, mayhem, harassment, telephone harassment, kidnapping, child kidnapping, aggravated kidnapping, stalking, unlawful detention, sexual offenses (as that term is defined in Utah Code Ann. [§76-5](#) and [5a](#)), violation of a protective order or ex-parte protective order, offenses against property as described in Utah Code Ann. [§76-6-1](#), [-2](#), and [-3](#), certain sorts of disorderly conduct as specified in Utah Code Ann. [§77-36-1\(2\)\(o\)](#), possession of a deadly weapon with intent to assault, and discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle

Domestic violence can take a variety of forms, including:

- A. Physical violence, including such aggressive behavior as hitting, pushing, choking, scratching, pinching, restraining, slapping, pulling, hitting with weapons or objects, shooting, stabbing, damaging property or pets, or threatening to engage in such aggressive behavior.
- B. Psychological violence, such as intense and repetitive degradation, creating isolation, or detrimentally controlling the actions or behavior of another person through intimidation or manipulation.

C. Sexual violence, such as sexual harassment, limiting reproductive freedom, infliction of pain during sexual intimacy, or the use or threat of physical force to make a cohabitant perform a sexual act.

[See: [Section 600](#) of the Child Welfare Manual (Domestic Violence).]

DOMESTIC VIOLENCE VICTIM: An adult who has been subjected to domestic violence.

DOMESTIC VIOLENCE PERPETRATOR: Any adult who commits an act of domestic violence against another cohabitant.

DOMESTIC VIOLENCE RELATED CHILD ABUSE: Domestic violence or a violent interaction (physical or verbal) between cohabitants in the presence of a child. "In the presence" of a child means in the physical presence of a child, or having knowledge that a child is present and may see or hear an act of domestic violence. [See: Utah Code Ann. [§76-5-109.1](#).] Domestic violence related child abuse might be an isolated incident or a pattern of conduct.

DOMESTIC VIOLENCE SERVICES: Domestic violence services provided to domestic violence victims by a licensed domestic violence shelter provider, a licensed domestic violence treatment provider, a victim advocate, or a similar domestic violence facility or specialist.

DSM: Diagnostic and Statistical Manual of Mental Disorders.

DUI: An acronym for "Driving Under the Influence."

EDUCATIONAL NEGLECT: Failure or refusal by a parent or guardian to make a good faith effort to ensure that a child receives an appropriate education, after receiving notice that the child has been frequently absent from school without good cause or that the parent has failed to cooperate with school authorities in a reasonable manner. [See: Utah Code Ann. [§62A-4a-101\(14\)\(a\)\(iv\)](#), [-101\(14\)\(b\)](#), and [§78-3a-316](#).]

EFFECTIVE RESULTS: Services are provided to achieve specific results and benefits for the child and family. These results should include improved functioning, achievement of outcomes consistent with the long-term view, and improved learning. If intervention strategies and services are not producing these results, then strategies and services should be modified over time as experience is gained about what expectations are reasonable and what interventions actually work.

EMANCIPATED MINOR: Under Utah Code Ann. [§15-2-1](#), a minor who marries is automatically emancipated. A minor may also be deemed emancipated by court order. The court looks at specific facts, including enlisting in the armed forces or leaving the parental home and becoming self-supporting.

EMERGENCY KINSHIP PLACEMENT: A temporary placement with kin as an alternative to shelter. An emergency kinship placement may or may not be selected as a long-term placement for the child. After the emergency placement, Child and Family Services shall make a reasonable search for a long-term placement that meets the child's needs and challenges.

EMOTIONAL/BEHAVIORAL WELL-BEING: The child has social supports in the home and school settings that provide the child with a sense of: identity that connotes feelings of personal worth, belonging and affiliation with others in his/her support network, being capable of participating in major life activities and decisions that affect him/her, feeling that his/her life has meaning, purpose, and direction, and being part of his/her culture and its social supports.

EMOTIONAL MALTREATMENT: Conduct that subjects a child to psychologically destructive behavior. Emotional maltreatment may be shown by a pattern of psychologically destructive behavior or by a single serious incident of such behavior. Emotional maltreatment includes (but is not limited to) the following:

- A. Demeaning or derogatory remarks that affect or can be reasonably expected to affect a child's development of self and social competence.
- B. Engaging in or threatening the child with conduct that causes or can reasonably be expected to cause the child emotional harm, such as threatening harm, rejecting, isolating, terrorizing, ignoring, or corrupting the child (e.g., harming an animal or threatening to harm an animal in the presence of a child).
- C. Domestic violence related child abuse. [See: The definition of Domestic Violence Related Child Abuse.]
- D. Violence observed by the child between a caregiver and another in the presence of the child that may include (but is not limited to) the abuse of animals.
- E. Providing a child with materials harmful to a child. [See: The definition of Material Harmful to a Child.]

F. Providing cigarettes to a child.

ENVIRONMENTAL NEGLECT: An environment that poses a threat to the physical health or safety of a child.

ESTABLISHED PRIMARY CARE PROVIDER: An individual or group who has seen the child at least once, has an established relationship with child or family, and wants to continue having a relationship with that child.

EVIDENCE: Testimony, writings, or material objects that are offered to prove the existence or non-existence of a fact.

F.A.C.T.: An acronym for "Families, Agencies and Communities Together." F.A.C.T. is a committee of community service agencies that can provide a wide range of assistance to families.

FACE-TO-FACE CONTACT: In-person contact to assess any immediate protection needs for the child. Face-to-face contact does not require an investigative interview.

FAILURE TO PROTECT: Failure to take reasonable action to remedy or prevent child abuse or neglect. Failure to protect also includes a situation in which the non-abusive parent or guardian knows the identity of the abuser or the person neglecting the child and lies, conceals, or fails to report the abuse or neglect or the alleged perpetrator's identity.

FAILURE TO THRIVE, NON-ORGANIC: A medically diagnosed condition in which the child fails to develop physically. This condition is typically indicated by inadequate weight gain and is caused by some action or inaction of a parent or guardian.

FAILURE TO THRIVE, ORGANIC: A medically diagnosed condition in which the child fails to develop physically. This condition is typically indicated by inadequate weight gain, but is *not* caused by some action or inaction of the parent or guardian. However, there can be an overlap between organic and non-organic failure to thrive.

FALSE REPORT: A report of an allegation of abuse, neglect, or dependency made to Child and Family Services by a reporter (referent) who "more likely than not knew that the report was false at the time the person submitted the report." [See: Utah Code Ann. [§62A-4a-116\(7\)](#).]

FAMILY FOSTER CARE: A living arrangement offered and supervised by Child and Family Services for children who are under age 21 years at time of intake and are unable to receive needed parental care in their own home but are able to participate in family and community life without danger to themselves or others.

FAMILY FUNCTIONING AND RESOURCEFULNESS: The ability of the family to become self-directed and to build the capacities necessary for its members to live safely and for the family unit to function successfully with basic and special needs of all members adequately met.

FAMILY SERVICE SPECIALIST: Reviews cases with Child and Family Services social workers prior to removal to determine if there is substantial cause to believe grounds for removal exist and that services are not reasonably available to eliminate the need for removal. A Child and Family Services CPS worker need not review a case with a family service specialist if, in the Child and Family Services CPS worker's opinion, that process would create a delay that may endanger the health, safety, or welfare of the child.

Criteria for selection of the family service specialist is as follows:

- A. Region directors will select family service specialists from existing staff based on the following:
 - 1. Be a lead worker or above.
 - 2. Have at least five years of child welfare experience.
 - 3. Have an LCSW with at least three years of child welfare experience.
 - 4. Complete the family service specialist training.
- B. Staff selected as family service specialists will be placed on a calling tree that will be made available to workers 24 hours per day. Regions may develop calling trees for the entire region, local offices, counties, or any other configuration that is workable for the region.
 - 1. During business hours, workers may be directed to call their own supervisor first; however, if their supervisor is not available, the calling tree will provide other staffing options.
 - 2. During non-business hours, staff on the calling tree will not be required to carry a pager or cell phone, but must provide a phone number where they can be reached. Workers will call down the calling tree until they reach a family service specialist. The family service specialist will be allowed to claim time actually worked during non-business hours.

3. If a region already has a supervisor available for an on-call system, their system will not change if the supervisor meets the criteria for a family service specialist listed in subparagraph A above.

C. Calling trees should be updated as needed with staff changes.

FETAL ADDICTION: A condition in which a child experiences withdrawal symptoms as a result of the mother's use of harmful substances during pregnancy. [See: The definition of Fetal Exposure to Harmful Substances.]

FETAL ALCOHOL SYNDROME: The health effects presented by a newborn child who has been exposed to alcohol during pregnancy.

FETAL EXPOSURE TO HARMFUL SUBSTANCES: A condition in which medical evidence indicates that a newborn child has been exposed to substances as a result of the mother's use during pregnancy, but where the child does not experience withdrawal symptoms. [See: The definition of Fetal Addiction.]

FINALIZATION: A court of law has decreed that the adoption is final.

FORMAL AND INFORMAL SUPPORT SYSTEMS: Informal support is the offerings of friends, neighbors, churches, and community agencies that can range from volunteer reading tutors to after school supervision, recreational activities, assisting with transportation or keeping appointments, etc. Professional services may be donated, offered through health care plans, or funded by government agencies. A combination of supports and services may be necessary to assist the child, family, and teacher. Selection of basic supports should begin with information family network supports and generic community resources available to all citizens. Specialized and tailor made supports and services should be developed or purchased, only when necessary, to supplement rather than supplant readily available supports and services of satisfactory nature.

FULL DISCLOSURE: Respectful, candid discussion early and throughout the case about the impact of foster care on children, clarification of birth parents' rights and responsibilities, supports agency will provide, permanency options, and consequences of not following through with the case plan. This includes open, honest discussions with all parties – biological families, relatives, foster/adoptive families, attorneys, and other service caregivers with the use of family group decision-making/conferencing strategies to involve families in early planning.

FULL FAITH AND CREDIT: A legal principle requiring judges to recognize and enforce valid orders, decrees, and judgments issued by courts in other states. For example, Utah courts recognize a protective order from another state.

FUNCTIONAL ASSESSMENT: Information that is gathered from various sources as appropriate to the child's situation that includes a combination of clinical, functional, and information assessment techniques used to determine the strengths, capabilities, needs, risks, and lifestyle preferences of the child and family. Once gathered, the information should be analyzed and synthesized to form a comprehensive "big picture view" of the child and his/her social support networks at home, at school, and in the community. Members of the child and family team, working together, should synthesize their assessment knowledge to form a common big picture view that provides shared understanding of the child's situation. This provides a common core of team intelligence for unifying efforts, planning joint strategies, sharing resources, finding what works, and achieving a good mix and match of supports and services for the child and family. Developing and maintaining a useful big picture view is a dynamic, ongoing process for the child and family team.

GAF: Global Assessment of Functioning Scale.

GRAMA: An acronym for "Government Records Access Management Act," a Utah statute that allows members of the public to obtain copies of certain government records. If a person submits a written request for a Child and Family Services record, GRAMA requires Child and Family Services to disclose the record *unless* such disclosure is prohibited by GRAMA itself (e.g., Utah Code Ann. [§63-2-302](#), [-303](#), and [-304](#)) or by another state or federal statute (e.g., Utah Code Ann. [§62A-4a-412](#)). Many of Child and Family Services' records are not open to the public due to their classification under GRAMA or other statutes.

GUARDIAN AD LITEM (GAL): The court may appoint a Guardian ad Litem (GAL) to represent the best interests of a child involved in a case before the court. Out-of-home providers are encouraged to contact the child's GAL about any concerns that the child's needs are not being met.

GUARDIANSHIP OF THE PERSON: The guardian (caregiver or responsible adult) has the authority to consent to the child's marriage; enlistment in the armed forces; major medical, surgical, or psychiatric treatment; and to legal custody, if legal custody is not vested in another person, agency, or institution. [See: Utah Code Ann. [§78-3a-103\(1\)\(m\)](#).]

HARM OR THREATENED HARM: Damage or threatened damage to the physical or emotional health and welfare of a child through abuse or neglect. "Harm or threatened harm" includes (but is not limited to) the following: causing or threatening to cause non-accidental physical or mental injury, incest, sexual abuse, sexual exploitation, molestation, or repeated negligent treatment or maltreatment. [See: Utah Code Ann. [§62A-4a-402\(4\)](#) and the related definitions in Utah Code Ann. [§62A-4a-402.](#)]

HARMFUL MATERIAL TO A CHILD: [See: The definition of Material Harmful to a Child.]

HCG: Urine Pregnancy Test.

HEALTH/PHYSICAL WELL-BEING: The child's basic physical needs for proper nutrition, clothing, shelter, and hygiene are met on a daily basis. Preventive medical and dental care is necessary for maintaining good health. Preventive health care should include immunizations, dental hygiene, and screening for possible physical or developmental problems. Physical well-being encompasses both the child's physical health status and access to timely health services.

HEALTH CARE: Services including medical, dental, and mental health services.

HEARSAY: An out-of-court statement that is offered to prove the truth of the matter. NOTE: Utah statute and the Utah Rules of Evidence classify certain types of statements as "non-hearsay" or as otherwise admissible as evidence. Hearsay evidence is admissible at an Administrative Hearing. [See: Utah Code Ann. [§76-5-411](#)(out-of-court statement by child victim of sexual abuse is admissible as evidence in certain circumstances).] [See also: Rules of Evidence 803 and 804(listing various out-of-court statements that are non-hearsay and that are therefore admissible as evidence). For example, party admissions (a parent's statement to a Child and Family Services caseworker) or statements made to therapists.]

HIV: Human Insufficiency Virus.

HOME-TO-HOME BOOK: The child's Home-to-Home Book will be maintained to preserve vital information about the child's events and activities during the time the child spent in care such as educational, medical, dental, and mental health. The Home-to-Home Book shall be reviewed by the worker quarterly.

HMO: A Health Maintenance Organization.

HVR: Health Visit Report, HVR-Child and Family Services Form 984.

ICWA: An acronym for the "Indian Child Welfare Act." ICWA is the federal statute that establishes certain standards and procedures that a state non-Native American authority must follow when removing a Native American child from a care provider and placing the child in the state's temporary custody.

ICWA KINSHIP/RELATIVE DEFINITION: An "extended family member" is defined by the law or custom of the Indian child's tribe, or in the absence of such law or custom, is any person who has reached the age of 18 years and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent. [See: 25 U.S.C. §1903.]

IMMEDIATE PROTECTION SAFETY ASSESSMENT: An organized protocol of assessing the immediate protection and safety needs of the alleged victim at the worker's initial contact.

INCEST: Sexual intercourse with a person whom the alleged perpetrator knows to be his or her ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, including blood relationships of the whole or half blood without regard to legitimacy, and relationships of parent and child through adoption and/or stepparent and stepchild while the marriage creating the relationship exists. [See: Utah Code Ann. [§62A-4a-402\(5\)](#) and [§76-7-102](#).] [See also: The definitions of Sexual Abuse and Sexual Intercourse.]

INDECENT LIBERTIES: Touching a child or engaging in other conduct with a child, with the intent to sexually arouse or gratify the sexual desire of any person or with the intent to cause substantial emotional or bodily pain to any person, in circumstances that do *not* amount to rape of a child, object rape of a child, sodomy of a child, or other types of sexual abuse such as touching the child's anus, buttocks, or any part of the genitals, or touching the breast of a female child, but which are of similar gravity. NOTE: This is a criminal definition and thus is more stringent than other Child and Family Services definitions. [See: Utah Code Ann. [§76-5-404.1\(1\)](#) and *State v. Bishop*, 753 P.2d 439(Utah Ct. App. 1988).] [See also: The definitions of Age of Consent, Incest, Lewdness, Molestation, Sexual Abuse, Sexual Exploitation of a Minor, and Sexual Intercourse.]

INDIAN CHILD: An unmarried or married person who is under age 18 years and is:

A. A member of an Indian tribe.

B. Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. [See: The definition of ICWA.]

INTAKE/ON-CALL: The process of receiving the initial information from a referent who is alleging an act of abuse, neglect, or dependency against a child, researching for additional information, determining appropriate assignment and prioritization of a referral, and delivering an accepted referral for investigation.

IPSA: An acronym for "Individual Protection Safety Assessment."

JUDICIAL REVIEW: A court review of agency actions. This review may be in Juvenile Court and relate to Child and Family Services actions in a case under court jurisdiction. The review may also relate to review of a final decision from an administrative law judge in an administrative hearing.

KINSHIP: The relationship of family members or near kin who are a fit, safe, and appropriate placement for the alleged primary victim or siblings and is an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling of the child. Preference may be given to kin or a non-custodial parent who are a fit, safe, and appropriate placement for an emergency kinship placement in accordance with Utah Code Ann. [§78-3a-307](#). Kinship placement may be an alternative to a foster care placement. The child in a kinship placement may be in the custody of Child and Family Services or in the custody of relatives. [See also: The definition of ICWA Kinship/Relative Definition.] [See also: Utah Code Ann. [§78-3a-307](#), which defines the term "relative" to include such "extended family members" and great grandparents, great aunts, great uncles, and stepsiblings.]

KINSHIP CARE: The full-time care, nurturing, and protection of a child by relatives when a court determines the child cannot be cared for safely by their parents.

LEARNING DEVELOPMENT PROGRESS (for children under age five years): The child is actively engaged in developmental and educational processes that enable the child to develop the skills and functional capabilities at a rate and level consistent with his/her age and abilities. Essential functional capabilities include: walking/mobility, talking/communicating, toileting, following simple and more complex directions, independent/parallel/cooperative play, independent dressing, color recognition, etc. Children who have developmental delays or physical limitations should be receiving the necessary support to maximize their development.

LEARNING PROGRESS (for children age five years and older): The child is a learner who is actively engaged in developmental, educational, and/or vocational processes that are enabling him/her to build skills and functional capacities at a rate and level consistent with his/her age and abilities. Learning progress is concerned not only with academic progress and achievement test scores, but also with acquisition and demonstration of functional capabilities that include self-care, mobility, communications, literacy, self-direction, caring relationships, community orientation, citizenship participation, employability, and independent living. The ultimate concern is whether the child is learning and progressing at a rate that will enable him/her to become a responsible, competent, contributing citizen upon completion of public school.

LEGAL CUSTODY: A relationship embodying the following rights and duties:

- A. The right to physical custody of the child.
- B. The right and duty to protect, train, and discipline the child.
- C. The duty to provide the child with food, clothing, shelter, education, and ordinary medical care.
- D. The right to determine where and with whom the child shall live.
- E. The right, in an emergency, to authorize surgery or extraordinary care.

[See: Utah Code Ann. [§78-3a-103\(1\)\(o\)](#).]

LEGAL FATHER: The man legally married to the mother at the time of a child's birth, regardless of whether that man is the biological father of the child; the father identified on the child's birth certificate; or a man who has been established by a court finding as the father of a child.

LEWDNESS: If the child is 14 years of age or older but younger than 18 years of age, the act must be committed in a public place or under circumstances which the person should know will likely cause affront or alarm to, on, or in the presence of the child. Intentionally or knowingly committing any of the following to, or in the presence of, a child under 14 years of age:

- A. Performs an act of sexual intercourse or sodomy.

- B. Exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area:
1. In a public place.
 2. In a private place under circumstances the person should know will likely cause affront or alarm.
 3. In a private place with the intent to arouse or gratify the sexual desire of the actor or the child.
- C. Masturbates.
- D. Engages in trespassory voyeurism.
- E. Under circumstances not amounting to sexual exploitation of a minor under Utah Code Ann. [§76-5a-3](#), causes a child under the age of 14 years to expose his or her genitals, anus, or breast if female, to the actor, with the intent to arouse or gratify the sexual desire of the actor or the child.
- F. Performs any other act of lewdness, including acts of voyeurism within the child's home (such as peeping through holes that allow the actor to spy on the child in private areas of the home such as the shower, bathroom, or bedroom). [See: Utah Code Ann. [§76-9-702.5](#).]

LICENSED SOCIAL SERVICES WORKER: A Bachelor's Degree worker with a Social Service Worker (SSW) license, or a Master's level (CSW, LCSW, LPC, or MFT) license. Advanced Master's level licenses have additional clinical-based requirements.

LIFE BOOK: A record of the child's personal history from birth, including the child's time in foster care.

LONG-TERM KINSHIP CARE: Care provided, subsequent to the permanency hearing, to a child by a relative who is a licensed foster parent. At the permanency hearing, the court must identify and document, on an individual basis, a "compelling reason" that return home, adoption, or permanent custody and guardianship with the relative is not in the best interest of the child. The child remains in the custody of Child and Family Services and is subject to the continuing supervision of the court.

LONG-TERM VIEW: The long-term view is a guiding strategic vision used to set the purpose and path of intervention and support. It is used to focus a coherent child and family plan and process. A long-term view anticipates and defines what the child must have, know, and be able to do in order to be successful following his/her next major

developmental or placement transitions. The long-term view must answer the question of where the case is headed and why.

MATERIAL HARMFUL TO A CHILD: Any visual or pictorial representation (in whatever form, including a performance) that shows pornographic or sexually explicit material, including nudity, sexual conduct, sexual excitement, or sadomasochistic abuse that:

- A. Taken as a whole, appeals to or arouses unusual interest in sex of a child.
- B. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for a child.
- C. Taken as a whole, does not have serious value for a child. "Serious value" includes only serious literary, artistic, political, or scientific value for a child.

[See: Utah Code Ann. [§76-10-1201\(11\)](#)(definition of "Harmful to Minors").] [See also: Utah Code Ann. [§76-10-1201\(1\)](#)(definition of "Material" in the pornography statute) and [§76-5a-2](#)(definition of "Material" in the sexual exploitation statute).]

Depending on the circumstances, providing a child with or allowing a child immediate access to materials harmful to a child may constitute emotional maltreatment, sexual abuse, and/or crimes relating to providing or dealing in material harmful to a minor. NOTE: Utah law does not recognize a legal exemption for a parent, guardian, or custodian of a child to engage in providing material harmful to a child, nor does it recognize an exemption if the parent accompanies the child to an exhibition of such material.

MEDICAL NEGLECT/PHYSICAL: Failure or refusal to seek medical or dental treatment, or failure or refusal to comply with the recommendations of a medical or dental professional when a child has a medical or dental condition and either the family has sufficient resources to provide for the medical care, or in the event of a lack of resources, the family has failed to make reasonable efforts to seek the medical care. A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child is not guilty of neglect. However, the child may still be dependent for appropriate medical care. [See: Utah Code Ann. [§62A-4a-101\(18\)\(a\)\(iv\)](#).]

MEDICAL NEGLECT/PSYCHOLOGICAL: Failure or refusal to seek mental health treatment, or failure or refusal to comply with recommendations made by a licensed

mental health professional when a child has a mental condition that poses a risk to the child or others and either the family has sufficient resources to provide for the mental health care or, in the event of a lack of resources, the family has failed to make reasonable efforts to seek the mental health care. This finding needs to be based on the opinion of professional mental health personnel. A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child is not guilty of neglect. However, the child may still be dependent for appropriate medical care. [See: Utah Code Ann. [§62A-4a-101\(18\)\(a\)\(iv\).](#)]

MEDICALLY FRAGILE: A child who has an extraordinary, diagnosed health condition and meets one or more of the following criteria:

- A. Chronic debilitating condition.
- B. Acute condition(s) requiring three or more follow-up visits per month for three consecutive months.
- C. At risk for developing an acute condition and requiring extensive monitoring.

MEDICALLY NEEDY: A child whose condition warrants additional treatment, therapy, and/or excessive follow-up care (may be transitional). The child is between the ages of 0-18 years and suffers from physical and/or mental debilitation inhibiting his/her growth and development and/or whose condition requires specialized skill by another to meet his/her daily living activities, which include:

- A. Nutrition.
- B. Sleep.
- C. Elimination.
- D. Ambulation.
- E. Socialization.

MEPA: The Multi-Ethnic Placement Act that prohibits the use of a child's or a prospective parent's race, color, or national origin to delay or deny the child's placement and by requiring diligent efforts to expand the number of racially and ethnically diverse foster and adoptive parents.

METHAMPHETAMINE: A potent central nervous system stimulant that can be smoked, snorted, injected, taken orally, or used in suppository form. It increases the heart rate, blood pressure, body temperature, and rate of breathing; it dilates the pupils; and it produces euphoria, increased alertness, a sense of increased energy, and tremors. High doses or chronic use have been associated with increased nervousness, irritability, and paranoia. Withdrawal from high doses often produces severe depression. Methamphetamine is a lethal, dangerous, and unpredictable drug. Exposure of a child to a methamphetamine laboratory is felony child endangerment. [See: Utah Code Ann. [§76-5-112.5](#).] [See also: The definition of Physical Abuse.]

MOLESTATION: Touching the anus or any part of the genitals of a child or otherwise taking indecent liberties with a child, or causing a child to take indecent liberties with the alleged perpetrator or another with the intent to arouse or gratify the sexual desire of any person or with the intent to cause substantial emotional or bodily pain. [See: Utah Code Ann. [§62A-4a-402\(6\)](#) and [§76-5-404\(1\)](#).]

MUNCHAUSEN SYNDROME BY PROXY: [See: The definition of Pediatric Condition Falsification.]

NATURAL PARENT: A biological or adoptive mother; a biological or adoptive father.

NEAR FATALITY: A child who is certified by a physician to be in serious or critical condition as a result of abuse or neglect.

NEGLECT: Failure or refusal of a parent, guardian, or custodian to provide any care necessary for the child's health, safety, morals, or well-being, such as educational neglect, medical neglect, physical neglect, failure to thrive, failure to protect, chronic neglect, or severe neglect. The term "neglect" includes (but is not limited to) the following:

- A. Abandonment of a child, except a safe relinquishment of a newborn child as provided in Utah Code Ann. [§62A-4a-802](#).
- B. Subjecting a child to mistreatment or abuse.
- C. Lack of proper parental care by reason of the fault or habits of the parent, guardian, or custodian.
- D. Failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence, education, or medical care, including surgery or

psychiatric services when required, non-supervision, or any other care necessary for the child's health, safety, morals, or well-being.

E. A child at risk of being neglected or abused because another child in the same home is neglected or abused. [See: The definition of Sibling or Child at Risk.]

[See: Utah Code Ann. [§62A-4a-101\(14\)](#) and [§78-3a-103\(1\)\(a\)](#).] [See also: The definitions of Abandonment, Chronic Neglect, Educational Neglect, Failure to Protect, Medical Neglect/Physical, Medical Neglect/Psychological, Physical Neglect, Severe Neglect, and Sibling or Child at Risk.]

NON-SUPERVISION: The child is subjected to accidental harm or probability of accidental harm due to failure of a parent/caregiver to supervise the child's activities at a level consistent with the child's age and maturity.

NOTICE OF AGENCY ACTION (CPS ONLY): Written notification to an individual about a case finding that identifies the individual as responsible for abuse, neglect, or dependency. The notification specifies the findings, explains who will have access to the information on the database, and outlines the due process procedures for challenging the findings in an Administrative Hearing. Notice of Agency Action is also sent when foster children are removed, when benefits are changed, etc.

OFS: Office of Family Support.

ORSIS: An acronym for the "Office of Recovery Services Information System."

OUT-OF-HOME PROVIDER: A provider who cares for children in the custody of Child and Family Services, other than their parents or relatives (i.e., foster parents, etc).

OUT-OF-HOME CAREGIVER: Foster, adoptive, and kinship parents (or other out-of-home caregivers) who work with the agency and the primary parents to attempt, except in limited situations, to return children to their families of origin. Also referred to as resource families.

PEDIATRIC CONDITION FALSIFICATION (formerly Munchausen Syndrome by Proxy): A cluster of symptoms or signs, circumstantially related, in which the parent or guardian misrepresents information and/or simulates or produces illness in a child, has knowledge about the etiology of the child's illness but denies such knowledge, seeks multiple medical procedures, and acute symptoms and signs of the illness cease when

the child is separated from the parent or guardian. Pediatric Condition Falsification is based on the child's primary care physician or other medical professional's opinion.

PEER PARENT: An out-of-home caregiver, or other specially trained individual, who engages and teams with the child's parents to help improve parenting, nurturing, and/or household management skills.

PERMANENCY: The establishment and maintenance of a permanent living situation for a child to give the child an internal sense of family stability and belonging and a sense of self that connects the child to his or her past, present, and future. Permanency can be achieved in a number of ways based on the child's circumstances; e.g.: (1) keeping or returning the child to his or her home; (2) placing the child with a relative or non-relative and supporting permanent custody or guardianship; (3) supporting independent living; or (4) adoption.

PERMANENCY HEARING: A permanency hearing is a hearing to determine the future status of the child (Utah Code Ann. [§78-3a-311](#) and [-312](#)). When reunification services have been ordered, a permanency hearing shall be held within 12 months of the removal of the child or within eight months of the removal of a child under 36 months of age at the time of removal.

PERIOD OF MINORITY: A youth may be in out-of-home care longer than age 18 but prior to reaching age 21, when certain conditions exist; i.e., the youth is in the process of completing high school (by age 19); for medical or disability reasons; or if ordered by the court. "The period of minority extends in males and females to the age of eighteen (18) years of age; but all minors obtain their majority by marriage. It is further provided that courts in divorce actions may order support to age 21." [See: Utah Code Ann. [§15-2-1](#).]

PERMANENCY PLANNING: The process that is used to establish families for children that offer continuity of relationships with nurturing parents or caretakers and the opportunity to establish lifetime relationships.

PERMANENCY PLANNING OUTCOMES: Child and Family Services seeks first to preserve and support the child's biological (primary) family, and when that is not possible, to secure a family, adoptive or otherwise, that offers the hope of lifelong family-like relationships. Renewing Our Commitment to Permanency for Children- NRCFPFC and CWLA – 1999.

PERMANENT DEPRIVATION OF PARENTAL RIGHTS: The parent-child relationship is terminated by a court order. (Permanent deprivation is also known as termination of parental rights.)

PHYSICAL ABUSE: Non-accidental conduct that causes harm or threatens harm to a child's physical health or welfare. [See: Utah Code Ann. [§62A-4a-402\(3\)](#).] A physical injury need not be proven by visible evidence or physical impairment. [See: The definitions of Physical Injury and Serious Physical Injury.]

Also included in the definition of "physical abuse" is actual conduct such as the following:

- A. Giving a child non-prescribed medications that result in physical harm or that could reasonably be expected to endanger a child's health.
- B. Giving a child substances not legally prescribed or recommended for the child (such as illegal or controlled substances).
- C. Knowingly or intentionally causing or permitting a child to be at risk of suffering bodily injury, substantial bodily injury, or serious bodily injury from exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia, as those terms are defined in Utah Code Ann. [§76-5-112.5](#).

To support a finding of "physical abuse," Child and Family Services need not show that the parent, guardian, or caregiver actually intended to injure the child; it is sufficient to show that the conduct was non-accidental and actually occurred.

PHYSICAL INJURY: A non-accidental injury or condition that impairs or endangers the physical condition of a child, including (but not limited to) the following:

- A. A bruise or other contusion of the skin.
- B. A minor laceration or abrasion.
- C. Failure to thrive or malnutrition.
- D. Any other condition that imperils the child's health or welfare and which is not serious physical injury as defined in Utah Code Ann. [§76-5-109\(1\)\(d\)](#).

PHYSICAL NEGLECT: Failure of a caregiver to provide for a child's basic needs of food, clothing, or shelter. The term "physical neglect" includes conduct such as expelling the child out of the home without making provisions for the child.

PHYSICAL VIOLENCE: Aggressive behavior including (but not limited to) hitting, pushing, strangling, scratching, pinching, restraining, slapping, pulling, hitting with weapons or objects, shooting, stabbing, damaging property or pets, or threatening to do so.

PLACEMENT: A child's living arrangement while in out-of-home care, selected by a team including the family and agency representatives, which is selected to meet the child's needs.

PLACEMENT OF CHILD NOT FREE FOR ADOPTION: Placement of a child with an adoptive/foster care family pursuing adoption or when the court has not yet terminated the rights of the birth parents or the birth parents have not yet signed a voluntary relinquishment of parental rights. May also be known as "at-risk" or "fost-adopt."

PLACEMENT SERVICES: Those services offered to the family, child, and out-of-home caregiver to work toward permanency.

PLAN IMPLEMENTATION: The provisions of the child and family plan have to be implemented via timely delivery of adequate services. Implementation involved the arrangement of supports and delivery of services according to the child and family plan. The agreed upon strategies, supports, services, and other intervention activities are to be delivered in a timely and competent manner, consistent with identified needs and preferences, and following the principles of the Practice Model. Delivery of services by persons having the necessary skills, resources, time, and opportunity to provide supports and services commensurate with the urgency and complexity of the child's needs and situation is essential for producing desired results. A "smart" implementation process is interactive, offering ongoing adaptation of service arrangements in response to frequent feedback received about changing situation, emerging needs, and results being achieved.

PLEA BARGAIN: An agreement in which a defendant admits to a criminal charge that is less than the original charge without having a hearing or trial. A plea bargain does *not* affect the finding in a child protection investigation case.

PLEA IN ABEYANCE: An order by a court, upon motion of the prosecution and the defendant, accepting a plea of guilty or of no-contest from the defendant but not, at that time, entering judgment of conviction against the defendant or imposing sentence, on condition that the defendant will comply with specific conditions as set forth in the plea in abeyance agreement. [See: Utah Code Ann. [§77-2a-1\(1\)](#).] A defendant's plea in abeyance in a case involving the abuse, neglect, or dependency of a child does not affect the findings of Child and Family Services in a child protection investigation case.

POSITION OF SPECIAL TRUST: A position occupied by a person in a position of authority who, by reason of that position, is able to exercise undue influence over the alleged victim. Such persons include (but are not limited to) a youth leader or recreational leader who is an adult, adult athletic manager, adult coach, teacher, counselor, religious leader, doctor, employer, foster parent, babysitter, adult scout leader, natural parent, stepparent, adoptive parent, legal guardian, grandparent, aunt, uncle, or adult cohabitant of a parent. [See: Utah Code Ann. [§76-5-404.1\(3\)\(h\)](#).]

POST ADOPTION: After finalization of an adoption.

PRACTICE MODEL PRINCIPLES: Protection - children's safety is paramount; Development - Children and families need consistent nurturing in a healthy environment to achieve their developmental needs; Permanency - All children need and are entitled to enduring relationships that provide a family stability and belonging and a sense of self that connects children to their past, present, and future; Cultural Responsiveness - Children and families have the right to be understood within the context of their own family rules, traditions, history, and culture; Partnership - The entire community shares the responsibility to create an environment that helps families raise their children to their fullest potential; Organizational Competence - Committed, qualified, trained, and skilled staff, supported by an effectively structured organization, helps insure positive outcomes for children and families; and Professional Competence - Children and families need a relationship with an accepting, concerned, empathic worker who can confront difficult issues and effectively assist them in their process toward positive change

PREPONDERANCE: Evidence that, as a whole, shows that the fact sought to be proven (abuse, neglect, or dependency) is more probable than not.

PRIMARY CARE CAREGIVER (PCP): A medical professional, or group of professionals, who provide continuous and comprehensive health care, and maintain the health records of an individual and/or a family. They act as the entry point to the health care system and coordinate services provided by specialists. It excludes these

caregivers in the following settings: emergency room departments, local health departments, or urgent care centers. An emergency department or urgent care facility is not a primary care caregiver.

PRIORITY RESPONSE TIMES: The time allotted under Child and Family Services practice guidelines for a Child and Family Services CPS worker to make face-to-face contact with a child on an allegation of abuse, neglect, or dependency that drives the priority for the referral.

- A. **Priority 1:** The Child and Family Services CPS worker must make face-to-face contact with the alleged victim within **60 minutes** of receiving notice from Intake. For a **priority 1R** (rural) referral, a Child and Family Services CPS worker has a maximum of **three hours if the alleged victim is more than 40 miles from the investigator** who is assigned to make the face-to-face contact.
- B. **Priority 2:** The Child and Family Services CPS worker must make face-to-face contact with the alleged victim within **24 hours** of receiving notice from Intake.
- C. **Priority 3:** The Child and Family Services CPS worker must make face-to-face contact with the alleged victim by **midnight of the third working day** after receiving notice from Intake.
- D. **Priority 4:** The Child and Family Services CPS worker must make face-to-face contact with the alleged victim by **midnight of the fifth working day** after receiving notice from Intake.

PROCEDURES: Statewide mandatory guidelines or directions that explain the specific day-to-day tasks involved in implementing Child and Family Services practice guidelines in accordance with statutes, rules, and other governing law. Procedures are usually more detailed than either rules or practice guidelines. Procedures are mandatory.

PROSPECTS FOR PERMANENCE: Permanency, commonly identified with the meaning of "family" or "home," suggests not only a stable setting, but also stable caregivers and peers, continuous supportive relationships, and some level of parental/caregiver commitment and affection. Evidence of permanency includes resolution of guardianship, adequate provision of necessary supports for the caregiver, and the achievement of stability in the child's home and school settings.

PROTECTIVE CUSTODY: Taking a child into custody for protection by a Child and Family Services CPS worker, law enforcement officer, or physician. Protective custody begins from the time the decision is made, typically from when the child is removed from the home, and continues until the shelter hearing or until the child returns home, whichever occurs earlier. [See: Utah Code Ann. [§62A-4a-101\(15\)](#) and [§62A-4a-407.](#)] [See also: The definitions of Custody, DHS Custody, Legal Custody, Temporary Custody, and Voluntary Custody.]

PROTECTIVE SERVICES COUNSELING: Voluntary services provided by Child and Family Services to a family.

PROTECTIVE SERVICES SUPERVISION: A legal status created by court order after an adjudication on the grounds of abuse, neglect, or dependency in which the child is permitted to remain in the home or is placed in a relative's home, and supervision and assistance to correct the abuse, neglect, or dependency is provided by an agency designated by the court. [See: Utah Code Ann. [§78-3a-103\(u\).](#)]

PROXIMITY (IN RELATION TO CHILD PLACEMENT): "Reasonable proximity" includes placing the child within their neighborhood so that family contact, continued school placement, church involvement, and friendships may be maintained.

PSYCHOLOGICAL VIOLENCE: Intense and repetitive degradation, creating isolation, and controlling the actions or behavior of another person through intimidation or manipulation to the detriment of the individual.

PUTATIVE FATHER: The man who claims to be or is claimed to be the biological father of a child born out of wedlock.

QA: An acronym for "Quality Assurance." QA is a tool used to ensure that Child and Family Services' practice guidelines are met.

REASONABLE DISCIPLINE: Reasonable discipline may be a defense to abuse where a parent or person acting in *loco parentis* uses reasonable discipline as defined and the child did not suffer serious injury or death. The determination of what conduct is "reasonable" discipline depends upon the facts in each case and turns on various factors such as the following, none of which is necessarily dispositive: the existence or extent of physical injuries, the necessity for the physical intervention under the circumstances, the relationship between the need for intervention and the amount and extent of the force used, whether the actor behaved maliciously, whether the actor engaged in verbal threats or abuse, whether the incident was isolated or was a step in an apparent

progression of mistreatment, and whether the intervention interfered with the child's need for suitable food, clothing, and other necessities. [See: *In re S.S.P.*, 981 P.2d 848, 851 (Utah Ct. App. 1999); and Utah Code Ann. [§62A-4a-116\(4\)\(b\)\(ii\)\(B\)\(I\)](#) and [§76-2-401](#).] [See also: The definition of Abuse.]

REASONABLE EFFORTS: Such reasonable efforts include an assessment of the protection needs of a child and the consideration and implementation of protective services that could enable a child to remain safely in the home. The term "reasonable efforts" refers to efforts to provide services that are reasonably available (that is, services that are accessible to arrange, refer, or provide, or that are available from other community resources).

Both state and federal law require reasonable efforts to prevent removal and to return children home where safe and appropriate. The court reviews these efforts at shelter hearings, permanency hearings, and parental termination hearings. In certain circumstances, reasonable efforts (reunification services) are not required. [See: Form for 24-hour multidisciplinary meeting; Utah Code Ann. [§78-3a-311](#).]

REASONABLE PHYSICAL RESTRAINT: Justifiable restraint to protect the child or to protect others from the child's acts. Supported physical abuse does not include the use of reasonable and necessary physical restraint by an educator in accordance with Utah Code Ann. [§53A-11-802\(2\)](#) or [§76-2-401](#). Nor does it include conduct that constitutes the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to obtain possession of a weapon or other dangerous object in the child's possession or control, or to protect the child or another person from physical injury. [See: Utah Code Ann. [§62A-4a-116\(4\)\(b\)\(ii\)\(B\)\(II\)](#).]

REASSIGNMENT: Assigning a case to a different worker.

REFERRAL: Information provided by the public to Child and Family Services Intake alleging abuse, neglect, or dependency.

RELINQUISHMENT: A voluntary termination of parental rights.

RELATIVE: An adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister in-law, stepparent, first cousin, stepsibling, or sibling of the child. [See: Utah Code Ann. [§78-3a-307](#).]

In the case of an Indian child, "relative" also means an "extended family member" as defined by the Indian Child Welfare Act, 25 U.S.C. Section 1903.

RESIDENCE: A common abode that both individuals consider to be their primary domicile or home and not simply a place that one of the individuals makes a habit of visiting.

RESIDUAL PARENTAL RIGHTS AND DUTIES: Those rights and duties remaining with the parent after legal custody or guardianship, or both, have been vested in another person or agency. Residual parental rights and duties include the responsibility for support, the right to consent to adoption, the right to determine the child's religious affiliation, and the right to reasonable visitation unless restricted by the court. If no guardian has been appointed, "residual parental rights and duties" also include the right to consent to marriage, to enlistment in the armed forces, and to major medical surgical or psychiatric treatment. [See: Utah Code Ann. [§78-3a-103\(v\)](#).]

RESPIRE CARE: Kin or out-of-home caregivers with intermittent, time-limited relief from care.

RESPONSE TIME: Time allotted by Child and Family Services for a worker to make a face-to-face contact with an alleged victim involved with the allegation that drives the priority. [See: The definition of Priority Response Times.]

RESOURCE FAMILY: Foster, adoptive, and kinship parents (or other out-of-home caregivers) who work with the agency and the primary parents to attempt, except in limited situations, to return children to their families of origin.

REUNIFICATION SERVICES: These are reasonable services that Child and Family Services is ordered to provide to the child and family to assist with the reunification process. Reunification services may not extend beyond 12 months, or eight months if a child is under 36 months of age, from the date that the child was initially removed from the home. Except the court may extend reunification services for no more than 90 days if it finds that there has been substantial compliance with the child and family plan, and that reunification is probable within that 90-day period and that the extension is in the best interest of the child.

RISK ASSESSMENT: An organized protocol whereby Child and Family Services or another agency gathers information to identify the strengths and challenges and other factors of the family members that may contribute to safety or risk issues of a child who may be an alleged victim of abuse, neglect, or dependency. A risk assessment may also identify other contributing factors related to the abuse, neglect, or dependency of a child.

RITUAL ABUSE: Ceremony or rite that subjects a child to a form of abuse and which may consist of a single act or series of acts. Ritual abuse may involve severe physical abuse such as torture; painful, sadistic, or humiliating sexual abuse; emotional maltreatment; psychological abuse, such as indoctrination or the use of mind-controlling techniques or mind-altering drugs; or the use of intimidation and terrorizing. The term "ritual abuse" does not necessarily refer to satanic practices.

RULES/RULEMAKING: Written regulations that inform the public of how Child and Family Services will conduct its business. A rule has the effect of law. In general, an agency promulgates a rule when a class of persons or outside agencies may be materially affected by the Child and Family Services' actions or decisions. A rule may be explicitly or implicitly required by a state or federal statute or other applicable law, and it may implement or interpret a state or federal legal mandate. Rules are established by Child and Family Services, approved by the Child and Family Services Board, and processed through the state's administrative rulemaking procedure, with the oversight by a legislative committee. Utah Code Ann. [§62A-4a-119](#) requires Child and Family Services to prepare a "family impact statement" whenever it adopts a new rule.

SAFE: Child and Family Services' child welfare management information system.

SAFE RELINQUISHMENT OF A NEWBORN CHILD: A parent or a parent's designee may safely relinquish a newborn child at a hospital in accordance with the requirements of Utah Code Ann. [§62a-4a-802](#) and retain anonymity, as long as the child has not been subjected to abuse, neglect, or dependency. Safe relinquishment of a newborn child, who has not otherwise been subjected to abuse, neglect, or dependency, shall not, in and of itself, constitute neglect, and the child shall not be considered a neglected child as long as the relinquishment has been made in substantial compliance with the guidelines of that section, which provides that: (a) a newborn child is defined by the statute as a child who is approximately 72 hours of age or younger, as determined within a reasonable degree of medical certainty; and (b) the child is to be relinquished at a general acute hospital [defined in Utah Code Ann. [§26-21-2\(11\)](#)] which is equipped with an emergency room, is open 24 hours a day and seven days a week, and employs full-time health care professionals who have emergency medical services training.

Statutory responsibilities of Child and Family Services following the safe relinquishment of a newborn child are as follows: Immediately upon notice from the hospital, Child and Family Services shall assume care and custody of a relinquished newborn child.

- A. As long as Child and Family Services determines there is no abuse, neglect, or dependency of the newborn child, neither the newborn child nor the child's parents are to be subjected to the provisions of Utah Code Ann., Part 2 of [§62A-4a](#), the investigation provisions contained in Utah Code Ann. [§62A-4a-409](#), or the provisions of Utah Code Ann. [§78-3a](#), Part 3.
- B. Unless identifying information relating to the nonrelinquishing parent of the newborn child has been provided, Child and Family Services shall work with local law enforcement and the Bureau of Criminal Identification within the Department of Public Safety in an effort to ensure that the newborn child has not been identified as a missing child.
- C. Unless identifying information relating to the nonrelinquishing parent of the newborn child has been provided, Child and Family Services shall immediately place or contract for placement of the newborn child in a potential adoptive home and, within 10 days after receipt of the child, file a petition for termination of parental rights. [See: Utah Code Ann. [§78-3a](#), Part 4.]
- D. Unless identifying information relating to the nonrelinquishing parent of the newborn child has been provided, Child and Family Services shall direct the Office of Vital Records and Statistics to: (1) conduct a search for a birth certificate for the child; and (2) conduct an Initiation of Proceedings to Establish Paternity Registry for unmarried biological fathers. Child and Family Services shall then provide notice to each potential father identified on the registry. Notice of termination of parental rights proceedings shall be provided in the same manner as is utilized for any other termination proceeding in which the identity of the child's parents is unknown.
- E. If no person has affirmatively identified himself within two weeks after notice is complete and established paternity by scientific testing within as expeditious a time frame as practicable, a hearing on the petition for termination of parental rights shall be scheduled.
- F. If a nonrelinquishing parent is not identified, relinquishment of a newborn child shall be considered grounds for termination of parental rights of both the relinquishing and nonrelinquishing parents under Utah Code Ann. [§78-3a-407\(9\)](#).

SAFETY: The child is safe from known and manageable risks of harm in his/her daily environments. This includes freedom from unreasonable intimidations and fears at home, school, and in the community.

SAFETY ASSESSMENT: A determination of the current well-being and safety of a child whom Child and Family Services has assessed as being at risk of maltreatment, based on factors such as the controllability of risk influences, the immediacy of the risk of maltreatment, the potential severity of future maltreatment, and the potential for future incidents of abuse or neglect to the child.

SAFETY PLAN: [See: Practice Guideline 202.7.]

SATISFACTION: The child, parent/guardian, and substitute caregiver are satisfied with the supports and services they are receiving. This is based upon their perspective.

SERIOUS PHYSICAL INJURY: A physical injury or set of injuries or condition that seriously impairs the child's health, or that involves physical torture or causes serious emotional harm to the child, or that causes a fatality or involves a substantial risk of death to the child, including (but not limited to):

- A. Fracture of any bone or bones (even if the fracture has subsequently healed).
- B. Intracranial bleeding, swelling, or contusion of the brain, whether caused by blows or shaking, or by causing the child's head to impact with an object or surface (such as Shaken Baby Syndrome).
- C. Any burn, including burns inflicted by hot water, or those caused by placing a hot object on the skin or body of the child.
- D. Any injury caused by use of a deadly or dangerous weapon as defined by Utah Code Ann. [§76-1-601](#).
- E. Any combination of two or more physical injuries inflicted by the same person, either at the same time or on different occasions.
- F. Any damage to internal organs of the body.
- G. Any conduct toward a child that results in severe emotional harm, severe developmental delay or retardation, or severe impairment of the child's ability to function.

- H. Any injury that creates a permanent disfigurement or protracted loss or impairment of the function of a bodily member, limb, or organ.
- I. Any conduct that causes a child to cease breathing, even if resuscitation is successful following the conduct.
- J. Any conduct that results in starvation, failure to thrive, or malnutrition that jeopardizes the child's life.
- K. Any bodily injury, substantial bodily injury, or serious bodily injury suffered by a child if the injury resulted from the actor knowingly or intentionally causing the child to suffer from exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia, as those terms are defined in Utah Code Ann. [§76-5-112.5](#).

[See: Utah Code Ann. [§76-5-109\(1\)\(d\)](#) and [§76-5-112.5](#).] NOTE: To support a finding of "physical abuse" or "serious physical injury," Child and Family Services need not show that the parent, guardian, or caregiver actually intended to injure the child. It is sufficient to show that the conduct was non-accidental and actually occurred. [See also: The definitions of Physical Abuse and Physical Injury.]

SEVERE MALTREATMENT: Abuse or neglect that threatens the child's life or seriously impairs the child's health or safety.

SEVERE NEGLECT: Neglect that causes or threatens to cause serious harm to a child.

SEVERE PHYSICAL ABUSE: Abuse that causes or threatens to cause serious harm to a child.

SEXUAL ABUSE: Acts or attempted acts of sexual intercourse, sodomy, molestation, or other sexual conduct directed toward a child. [See: Utah Code Ann. [§62A-4a-402\(7\)](#) and [§76-5-401 et seq.](#)] Sexual abuse may also include (but is not limited to):

- A. Digital or object penetration, however slight, in the genital or anal opening of the child. [See: Utah Code Ann. [§76-5-401.2](#) and [§76-5-403](#).]
- B. Touching the anus, buttocks, or any part of the genitals of the child. [See: The definition of Molestation.] [See also: Utah Code Ann. [§76-5-401.2](#) and [§76-5-403.1](#).]

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- C. Touching the breast of a female child. [See: Utah Code Ann. [§76-5-404.1\(1\)](#).]
- D. Otherwise taking indecent liberties with intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person. [See: Utah Code Ann. [§76-5-404.1](#).]
- E. Forcing a child under 18 years of age into marriage or cohabitation with an adult in an intimate relationship.
- F. Lewdness. [See: The definition of Lewdness.]
- G. Sodomy on a child. Anal or oral sexual intercourse; a sexual act with a child involving the genitals and anus of the actor of the child and the mouth or anus of the other person. [See, e.g.: Utah Code Ann. [§76-5-403.1](#).]

The term "recent sexual abuse," as used in Utah Code Ann., generally refers to incidents that occurred within 72 hours of the report to Child and Family Services. [See: The definitions of Incest, Indecent Liberties, Lewdness, Molestation, Sexual Exploitation of a Minor, and Sexual Intercourse.]

SEXUAL EXPLOITATION OF A MINOR: Knowingly employing, using, persuading, inducing, enticing, or coercing a child to pose in the nude for the purpose of sexual arousal of any person or for profit, or to engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct, and distributing or selling material depicting minors in the nude or engaging in sexual or simulated sexual conduct. [See: Utah Code Ann. [§62A-4a-402\(8\)](#).] According to the Utah Criminal Code, a person is guilty of "sexual exploitation of a minor" when that person:

- A. Knowingly produces, distributes, possesses, or possesses with intent to distribute material or a live performance depicting:
1. A nude or partially nude minor for the purpose of causing sexual arousal of any person.
 2. Any minor's engagement in sexual conduct alone or with another person.
- B. Is a minor's parent or legal guardian and knowingly consents to or permits that minor to be sexually exploited as described in subparagraph A of this definition. [See: Utah Code Ann. [§76-5a-3\(1\)](#).] [See also: The definitions of Harm or Threatened Harm, Lewdness, and Material Harmful to a Child.]

SEXUAL INTERCOURSE: Penetration, however slight, of the vagina by the penis, or intercourse involving genital contact between individuals other than penetration of the vagina by the penis, including (but not limited to) the use of fingers (digital) or the use of any object.

SEXUAL REACTIVITY: When a child engages in sexual behaviors that are beyond normal sexual exploration and curiosity for the child's developmental age. The child may have been a victim of sexual abuse himself or herself.

SEXUAL VIOLENCE: Sexual harassment, limiting reproductive freedom, infliction of pain during sexual intimacy, or the use or threat of physical force to make someone perform any sexual act against one's will.

SHAKEN BABY SYNDROME: A pattern or collection of injuries associated with impact and/or severe and violent rotational forces involving the head that may, but does not always, include retinal hemorrhages; intracranial damage, swelling, and bleeding; possible corner fractures of long bones; and flu-like symptoms, and which may involve an absence of other outward signs of abuse.

SHELTER HEARING: A shelter hearing shall be held within 72 hours, of the child's removal from the home, excluding weekends and holidays. [See: Utah Code Ann. [§78-3a-306](#).] [Refer to CPS Practice Guideline 205.6.]

SHELTER PLACEMENT: A temporary placement of a child by Child and Family Services into a physically unrestrictive, licensed facility from the time the child is removed from the home until the court makes an order regarding custody.

SIBLING OR CHILD AT RISK: A child who is at risk of being abused or neglected because another child in the same home or with the same caregiver has been or is being abused or neglected. [See: Utah Code Ann. [§78-3a-103\(1\)\(r\)\(i\)\(D\)](#).] [See also: The definition of Neglect.]

SIGNIFICANT RISK ASSESSMENT: An assessment made to determine if the child is a risk to other children and whether or not a minor's name should be retained on the Licensing Information System. [See: Utah Code Ann. [§62A-4a-116\(5\)](#).]

SSI: The entitlement insurance administration program from Social Security for individuals with disabilities.

SSA: The entitlement program from Social Security for death benefits.

STABILITY: Stability is when a child has established enduring caring relationships with key adults and has consistency of settings and routines. Optimal stability exists when the child enjoys a positive and enduring relationship with parents/caregivers, key adult supporters, and peers in home and school settings. A child removed from his/her family should be living in a safe, appropriate, and permanent home within 12 months of removal with only one interim placement.

STAY: As used in the Administrative Hearing process, to postpone an Administrative Hearing pending an adjudication of the same issues in juvenile court or district court.

STD: Sexually transmitted diseases.

SUBJECT OF THE RECORD: Any person identified in a child abuse, neglect, or dependency report in accordance with reporting requirements, including (but not limited to) a child, parent, guardian, or other person responsible for a child's care. The subject may include the alleged perpetrator. [See: Utah Code Ann. [§62A-4a-402\(9\)](#).]

SUBSTANTIATED: A finding by a court based on the evidence available at the completion of an investigation that there is a preponderance of evidence to demonstrate that severe abuse or neglect occurred. If more than one allegation is made or identified during the course of an investigation, any "supported" allegation determined to meet the criteria for substantiation requires a court finding to become "substantiated." All findings of "substantiated" entered after May 6, 2002 are maintained on the juvenile court information system. The Child and Family Services SAFE system maintains only "supported," "unsupported," and "without merit" findings.

SUCCESSFUL TRANSITIONS: Special coordination and efforts across service settings and providers is essential to prevent breakdowns in services and to prevent any adverse effects of changes that occur through the child's life as they experience change in learning situations and living environments. Special arrangements or accommodations may be required for success in a return setting or new setting. Follow along monitoring may be required for an adjustment period.

SUPPORT PERSON: A person 18 years of age or older of the child's choice, who is readily available and who can be present during the investigative interview. The support person may include (but is not limited to) a school teacher or administrator, guidance counselor, or child care provider, but the support person may not be the

person who is alleged to be, or potentially may be, the alleged perpetrator. [See: Utah Code Ann. [§62A-4a-409\(9\)\(f\)](#).]

SUPPORTED: A finding, based on the information available to the worker at the end of the investigation, that there is a reasonable basis to conclude that abuse, neglect, or dependency occurred, and that the identified perpetrator is responsible.

TANF (formerly know as AFDC): An acronym for "Temporary Aide to Needy Families," a federal program created by the Welfare Reform Act. TANF is the means through which an eligible adult obtains financial support from the federal government when there are children residing in the home. TANF links with child welfare because of poverty and needs of children that may exist after termination of a money grant. These needs may increase the child's needs for child welfare services.

TEAM CONSULTATION: A group of caseworkers, supervisors, community professionals, and partners who review the facts and circumstances of a case and assist in making decisions for the safety and care of a child who is the subject of a Child and Family Services case.

TEMPORARY CUSTODY: Custody of a child with Child and Family Services from the date of the shelter hearing until disposition. [See: Utah Code Ann. [§62A-4a-101\(23\)](#) and [§78-3a-103\(c\)](#).] [See also: The definitions of Custody, DHS Custody, Legal Custody, Protective Custody, and Voluntary Custody.]

TERMINATION OF PARENTAL RIGHTS (TPR): Termination of parental rights is when all rights that a parent or parents may have to a child are terminated in court. When it is determined to not be in the child's best interest to be reunified with his/her parents and voluntary relinquishment and compelling reasons not to terminate are not an option, Child and Family Services shall explore with legal counsel the termination of parental rights.

TRACKING AND ADAPTATION: Tracking and adaptation provide the "learning" and "change" processes that make the service process effective for the child and family. An ongoing examination process should be used to track service implementation, check progress, identify emergent needs and problems, and modify services in a timely manner. The child and family plan should be modified when objectives are met, strategies are determined to be ineffective, new preferences or dissatisfaction with existing strategies and services are expressed, and/or new circumstances arise. Members of the child and family team should apply the knowledge gained through

ongoing assessments, monitoring, and periodic evaluations to adapt strategies, supports, and services.

TRANSITIONAL LIVING: A program for youth ages 16 to 18 years that aids youth in the development of skills needed for successful adult life. Services in this program include coursework, home study, community involvement, and/or placement. Transitional living was formerly known as the "Independent Living Program."

TRANSITIONAL LIVING COORDINATOR: Each region of the state will have a coordinator/coordinators of services responsible for oversight of transitional living services provided in that region. At a minimum, the employee will possess a Bachelor's Degree with a Social Service Social worker (SSW) license and one-year experience working with youth ages 12 to 18 years in a foster care or like setting.

TRANSITIONAL LIVING COMPLETION (TLC): Payment code within SAFE enabling Child and Family Services transitional living coordinators to make payments to youth who have completed the Basic Life Skill Training. The amount is to be set by the region in which the youth resides.

TRANSITIONAL LIVING PAYMENT (TLP): Payment code within SAFE enabling Child and Family Services transitional living coordinators to make payment to youth, ages 18 to 21 years, who have exited state's custody (either in foster care or transitional living placement). Payments may be made to the youth or to other providers for expenses related to daily living. These include (but are not limited to) rent, utilities, transportation costs, food, clothing, personal care items, etc. It does not include tuition payments.

TRANSITIONAL LIVING PLAN (FORM OH 03): A written plan, which is required for each youth age 16 years and older, must be completed 45 days after the youth's 16th birthday and is attached to the already existing service plan. The plan must take into account the youth's unique needs and strengths and will compliment the existing service plan by addressing those skills needed for the youth to exit the state's care.

TRANSITIONAL LIVING SOCIAL WORKER: An employee hired by Child and Family Services to provide transitional living services to youth. At a minimum, the employee will possess a Bachelor's Degree with a Social Service Social worker (SSW) license, and six months experience working with youth ages 12 to 18 years in foster care or a like setting.

TRANSITIONAL LIVING STIPEND (TLS): Payment code within SAFE enabling Child and Family Services transitional living coordinators and social workers to make payment to youth in support of transitional living placement for youth who are still in the state's custody. Payments may be made to the youth or to other providers for expenses related to daily living. These include (but are not limited to) rent, utilities, transportation costs, food, clothing, personal care items, etc.

TRANSFER: Moving or reassigning an open CPS case from one region to another. A transfer requires approval from the receiving region.

UA: Urinalysis.

UDHS: Utah Department of Human Services.

UDOH: Utah Department of Health.

UNABLE TO COMPLETE INVESTIGATION: A CPS case finding when the following situation(s) are present:

- A. When the child and/or family move outside the state and a request for courtesy work is requested and declined and there is insufficient information to make a finding. [See: Practice Guideline 210.1A.]
- B. When the child and/or family move outside the state after the face-to-face contact is made with the child and there is insufficient information to make a finding because the whereabouts of the child and/or family are unknown. [See: Practice Guideline 210.1B.]
- C. When the child and/or family move within the state, the face-to-face with the child was made but there is insufficient information to make a finding and the whereabouts of the child and/or family are unknown. [See: Practice Guideline 210.2C.]

UNABLE TO LOCATE: A category indicating that even though the Child and Family Services CPS worker has followed the steps outlined in Child and Family Services practice guideline and has made reasonable efforts, the Child and Family Services CPS worker has been unable to make face-to-face contact with the alleged victims to investigate an allegation of abuse, neglect, or dependency and to make a determination of whether the allegation should be classified as supported, non-supported, or without merit.

UNACCOMPANIED MINORS: Children in the United States who are from other countries and whose families are either temporarily or permanently unavailable due to economic hardship, political circumstances, or abandonment.

UNSUBSTANTIATED: A finding by a court that there is insufficient evidence to determine that abuse, neglect, or dependency occurred. A finding of unsubstantiated means that the court was unable to make a positive determination that the allegation was actually without merit.

UNSUPPORTED: A finding based on the information available to the worker at the end of the investigation that there was insufficient information to conclude that abuse, neglect, or dependency occurred. A finding of unsupported means that the worker was unable to make a positive determination that the allegation was actually without merit.

VOLUNTARY CUSTODY: A formal agreement in which a legal guardian or custodian grants custody of a child to Child and Family Services for placement in a licensed home or facility for a limited period of time.

VOLUNTARY RELINQUISHMENT: A consent by a parent to termination of their parental rights. A relinquishment must be signed and affirmed before a judge or an officer authorized to accept relinquishments. Only the juvenile court is authorized to take relinquishments with regard to a child under court jurisdiction.

WELL-CHILD EXAMINATION: A physical examination by a licensed health care professional to determine the health status of a child. A child need not present with a specific health concern to receive a well-child examination.

WITHOUT MERIT: An affirmative finding at the completion of the investigation that the alleged abuse, neglect, or dependency did not occur, or that the alleged perpetrator was not responsible. [*Compare:* The definitions of Supported and Non-Supported.]

WRAP AROUND SERVICES: Wrap around services are used to assist a child and family with the reunification process and in meeting their needs. Wrap around services may include (but are not limited to) peer parenting, child care, home health aide services, parenting education, respite care, transportation services for visitation, vocational or educational assistance, mental health and/or substance abuse assessment and treatment, and housing referral and assistance.